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*who would be much obliged to them for
laps' discourse on the same subject.*

A DISCOURSE

DELIVERED BEFORE THE

Historical Society of Louisiana,

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JANUARY 13, 1836.

BY

HENRY A. BULLARD,

PRESIDENT OF THE SOCIETY.

PUBLISHED AT THEIR REQUEST.

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NEW ORLEANS, Jan. 18, 1836.

DEAR SIR:

THE undersigned have been deputed a Committee by the Historical Society of Louisiana, to express to you the high gratification which the Society has derived, from the very able and instructive discourse you delivered before it on the 13th instant; and also, to communicate their unanimous desire, that you would furnish the Committee with a copy for publication. For the accomplishment of all the objects embraced within the scope of its labors, the Society deems it a matter of high importance, that its plans and means and promised usefulness, should be clearly developed and widely diffused. Through the publication and general circulation of the discourse, it confidently anticipates the attainment of this chief good. The luminous synopsis it presents of the objects aimed at, and the means of attainment; the felicitous selection with which it has grouped together, or tastefully interwoven amidst dry statistics, some of the most curious and thrilling incidents of our early history, added to the attractive grace of the composition, will at once commend the performance to the admiration of the scholar; and the Society itself, to the generous support of that enlightened public, who are to reap the reward of all its toils and achievements. The Committee feel assured, that nothing can be added to this last inducement, to enhance the obligation to fulfil the wishes of the Society:

and tendering to you their sincere respects and their cordial felicitations on the cheering and kindly auspices under which our labors commence.

We remain, Dear Sir,

Your ob't serv'ts,

S. BARTON,

E. H. BARTON,

JNO. WINTHROP,

J. BURTON HARRISON,

P. A. ROST.

NEW ORLEANS, Jan. 30, 1836.

GENTLEMEN :

YOUR favor of the 18th instant, as a Committee of the Historical Society, conveying to me the desire of the Society, that I would furnish you with a copy of my discourse for the press, certainly merited a more prompt reply. But I was compelled to employ the few leisure moments which other avocations leave me, in preparing the manuscript for the press; and I have now the honor to furnish you with a copy, which is entirely at the disposition of the Society.

Accept my best thanks for the flattering terms in which you have been pleased to speak of that performance, which was hastily prepared, and by no means does justice to the subject. If, however, it should tend in any degree to awaken a spirit of enquiry, in an interesting field of research, it will have more than accomplished my purpose.

I have the honor to be,

Gentlemen,

Your ob't serv't,

H. A. BULLARD.

To Messrs. S. BARTON,

E. H. BARTON,

J. WINTHROP,

J. B. HARRISON,

P. A. ROST,

} Committee, &c.

A DISCOURSE
DELIVERED BEFORE THE
Historical Society of Louisiana,
JANUARY 13, 1836,
BY
HENRY A. BULLARD,
PRESIDENT OF THE SOCIETY.

GENTLEMEN :

AT our preliminary meeting you were pleased to request me to read to you at this time, a paper upon the expediency and utility of establishing an Historical Society in this state. The same causes which kept me from the discharge of public duties during the last summer and autumn, prevented my making any adequate preparation for this occasion, and the few remarks which I have to offer, are intended to evince my zeal in the cause which has called us together, and my ready obedience to your call, rather than as at all worthy of the subject or the occasion.

To minds exclusively devoted to the pursuit of wealth, and bending all their energies to that single purpose, it would seem a startling proposition, that there could be any thing either of interest or utility in inquiries into the history of the first discovery and settlement of Louisiana by Europeans ; in rescuing from threatened oblivion the records of its first colonization ; in efforts to bring to light and to perpetuate by means of the press, all such documents as would form the elements of an authentic history of our multiform population, and the successive changes in the forms of colonial government, and the progress of its settlement under the different sovereigns who have successively ruled this country.

But the time has arrived, I trust, when pursuits of a character purely literary, will have their value among us; when those who engage in researches, having only truth for their object, although barren of immediate results, will be regarded as contributing in some measure to the public good, by adding something to the stock of our national literature. As contemporary history is liable to be discoloured by interest, by prejudice and passion, each generation as it passes away, is under obligations to its successors to furnish them those authentic materials for which alone its true character can be known to posterity, and to perpetuate the public documents and correspondence which accompany and explain every public transaction. But we, who are enjoying the fruits of the labors, and fatigues and sufferings of our predecessors, owe it also to their memory, to snatch from oblivion the record of their actions, and no longer to leave their fame to rest on the loose, and garbled, and exaggerated narrations of contemporary writers, or catch-penny authors of what the world calls history. History, Gentlemen, as it is generally written, is at best but an approximation to truth, I had almost said, an approximation to probability. It is true the exaggerated and marvellous statements of travellers, or discoverers and settlers, as to physical features and productions of a new country, and the characters of its aboriginal inhabitants, may easily be corrected by subsequent observation and experience. The width of the Mississippi, for example, below this capital, had dwindled from a league to less than a mile; St. Louis is no longer in latitude 45 North, and 276 longitude; quarries of emeralds, silver mines and gold dust, are nowhere found in Louisiana. But the narratives of events and transactions, by real or pretended eye-witnesses, or by the authors of histories and memoirs, can only be tested by reference to authentic records, or by their own intrinsic evidence of their falsity or truth. This latter test is not always to be relied on, for the true is not always probable. Tradition, ornamented and coloured by fiction, has always proved from the earliest records of our race, a large ingredient in the composition of history. Hence the origin and early annals, not

only of the people and states of antiquity, but of many of comparatively modern date, are involved in mystery and fable. But it would be a matter of just reproach, if a people, whose first lodgment on the continent was made long since the discovery of the art of printing; whose entire annals embrace a period of the highest civilization; if such a people, I say, should suffer to perish the muniments of its early history, and the mists of fiction to settle on its origin and progress.

In many of the states of this Union, of British origin, historical societies have been organized, whose labors have been eminently successful. A mass of materials has been accumulated and preserved by means of the press, which excludes the possibility of future misrepresentations in regard to the true history of the country, and the times to which they relate. It is singularly interesting to look at the conduct and characters of our ancestors through such a medium. We see them as they were; we hear them speak the language of their own age; we are brought in immediate contact with the founders of our rising empire; we trace the gradual progress of their settlement, from the sea-board to the interior; we witness their privations, their sufferings, their unflinching firmness and constancy of purpose. At a more recent period, we are introduced into the primitive assemblies of the people; we observe the gradual development of those opinions and principles, which at this day lay at the foundation of our free popular institutions; the first discussed, when the threatened encroachments of power upon right were met and resisted, and the blood of the Barons of Ruuymeade cried out for Magna Charta, in the wilderness of a new world.

Gentlemen, the field of research which we propose to explore, is vast and in a great measure new. It is proposed to extend our inquiries into the history of all that country formerly possessed by France and Spain, under the name of Louisiane; to endeavor to bring to light and to perpetuate by means of the press, all authentic papers relating thereto; to collect interesting traditions, private histories and correspondences, and pictures of manners; to investigate the progress of our jurisprudence; the state

of religion, and the condition of the Indian tribes in that whole region. It is obvious that many of the original documents and records, relating to the settlement and colonization of that extensive region, must exist in the public archives at Paris, Madrid, and Seville, as well as the Havana; some in the archives of the former government in this city, at St. Louis and Natchez; others again at notaries' offices, here; in the parochial records of the different posts in the interior, and much interesting matter in possession of the families of some of the earlier settlers of the country. It is becoming more and more difficult every day, to bring together from sources so various and so widely dispersed, such memorials as may yet exist. It is time, therefore, to begin the work in earnest and methodically.

Before I proceed, Gentlemen, to make a few remarks on the several heads into which the programme of our proposed researches is naturally divided, let us pause and take a momentary survey of the population of the country as it exists, whose origin and first establishment it will become us to investigate more minutely in the progress of our labors. Like the rich soil upon our great rivers, the population may be said to be alluvial; composed of distinctly colored strata, not yet perfectly amalgamated; left by successive waves of emigration. Here we trace the gay, light-hearted, brave chivalry of France; the more impassioned and devoted Spaniard; the untiring industry and perseverance of the German, and the bluff sturdiness of the British race. Here were thrown the wreck of Acadie, and the descendants of those unhappy fugitives still exist in various parts of this state. Little colonies from Spain, or the Spanish islands on the coast of Africa, were scattered in different parts of the country. Such were New Iberia in Attakapas, Valenzuela in Lafourche, Terre aux Bœufs and Galvezton. They still retain to a certain extent, their language, manners and pursuits. There are, in the Western District, some families of Gipsy origin, who still retain the peculiar complexion and wildness of eye, that characterises that singular race. The traces of the Canadian hunter and boatman, are not yet entirely effaced. The Germans, I believe, have totally lost

the language of their fatherland. The country of the German coast is, perhaps, the only existing memorial of the celebrated John Law, the author of the most stupendous scheme of banking, and stockjobbing, and fraud, that was ever practised on the credulity of modern times. Among the earliest concessions of land in the province, was one in favor of Law, situated on the Arkansas, and prior to the settlement of New-Orleans; he had sent over a small colony of Germans to take possession and improve it; but on the downfall of the grantee, his colonists broke up the establishment, and returned to this city, where they obtained each for himself, a small grant of land on the Mississippi, at a place which has ever since been called the German coast. The little colonies of Spaniards at New Iberia and Terre aux Bœuf, never had any written concessions, they were put in possession by the public surveyor, and it was not until long since the change of government, that their descendants obtained an authentic recognition of their title from the United States. But time does not permit me to pursue this subject any farther; these few hints are intended merely to direct your attention to it, as one of curious interest.

I proceed, Gentlemen, to submit a few remarks on some of the several heads of our proposed plan. 1st, The general history of the province from its first discovery to the present day. 2d, The progress of our jurisprudence and state of religion, and 3d, The condition of the Indian tribes. It is, by no means, my purpose to attempt to give you a full view of the present state of our knowledge on these topics, much less to collate or criticise the various histories and memoirs which have appeared, even if I were capable of the task. But let us see in what particulars our knowledge is clearly defective, and whether it be probable that by proper diligence the deficiency may be supplied, and errors or misrepresentations corrected.

The successive changes of government form, naturally, the epochs of our history. The first extends from the discovery of the mouth of the Mississippi by La Salle in 1681, from the interior, by way of the Lakes, until the grant to Crozat in 1712.

2d, Under the monopoly of Crozat, until 1717. 3d, Under the administration of the Western Company, until the surrender of their grant, 1732. 4th, Under the direct authority of the crown of France, until the final delivery of the province to Spain, 1769, in pursuance of the treaty of Paris. 5th, Under the government of Spain, until the treaty of cession in 1803; and lastly, as an integral part of the United States, whether as a territory or a state.

I. I think it cannot be controverted, that Robert Cavalier de la Salle first discovered the mouth of the Mississippi on the 7th of April, 1681. Accompanied by the Chevalier de Tonti, and a few followers, he descended from the mouth of the Illinois to the Gulf of Mexico, passing through numerous tribes of Indians, not in hostile array, but his most effectual arms, the Calumet of peace. De la Salle was, without doubt, a man of great energy and enterprise, ardent and brave, sagacious and prudent, and of conciliatory manners. He appears to have been, at the same time, feared, respected, and even beloved by the natives. I should not have considered it necessary to mention this fact of the first discovery, as one well settled, if attempts had not been made to create some doubts about it, if not to deprive him of that honor, and to confer it upon Father Louis Hennepin, a missionary of the order of St. Francis. In the first volume of "The Condensed Geography and History of the Western States, or the Mississippi Valley," published a few years ago at Cincinnati, under the particular head of "history," not a word is said of de la Salle having explored the course of the river as far as the Gulf, and of his having taken formal possession of the country, in the name of the King of France. On the contrary, it is asserted, that in the spring of the previous year Hennepin, who had been instructed, in the absence of de la Salle, to explore the sources of the river, finding it easier to descend than to ascend, had proceeded down and reached the Balize in sixteen days, "if his word can be taken for it," says the author, from the time of his departure from the mouth of the Illinois. In the next place, the author represents that de la

Salle, in 1683, after laying the foundations of Cahokia and Kaskaskia, left M. de Tonti in command of those establishments, returned to Canada, and thence made all haste to France, to solicit the co-operation of the French Ministry in his views. In addition to the utter improbability of this whole story, it is completely refuted by the testimony of the Reverend Father himself. His first publication after his return to France, and the first edition of it, is now in my possession. It was published on the 5th of January, 1683, the author being then in Paris, and was dedicated to the King of France. The work is entitled "Description de la Louisiane nouvellement découverte au sud-ouest de la Nouvelle France." He gives a minute account of his voyage from the mouth of the Illinois, to a considerable distance above the Falls of St. Anthony; of his captivity, during eight months, among the Indians of the Upper Mississippi; and finally, of his return to some of the French posts in Canada about Whitsuntide (May), 1681. The "Privilège du Roi," for the publication of this first work of Hennepin, was granted on the 3d of September, 1682. Not only is the author silent as to any voyage by himself down the river as far as the Gulf of Mexico, or of his having descended below the mouth of Illinois, but the concluding paragraph shows conclusively, that he at that time set up no such pretensions. He says, in conclusion, "They sent me word, this year (1682), from New France, that M. de la Salle, finding that I had made peace with the tribes of the north and the north-west, situated more than five hundred leagues above, on the river Colbert (Mississippi), who were at war with the Illinois and the nations of the south, this brave captain, governor of Fort Frontenac, who, by his zeal and courage, throws new lustre on the names of the Cavaliers, his ancestors, descended last year with his followers, and our Franciscans, as far as the mouth of the great river Colbert, and to the sea, and that he traversed unknown nations, some of whom are civilized. It is believed he is about to return to France, in order to give the court a more ample knowledge of the whole of Louisiana, which we may call the delight and terrestrial paradise of America.

The king might form there an empire, which, in a short time, will become flourishing in spite of the opposition of any foreign power.”

In another part of the same work, the good Father says, “We had some intention to descend as far as the mouth of the river Colbert, which *probably* empties into the Gulf of Mexico, rather than into the Vermilion Sea; but those natives who had arrested us, did not allow us time to navigate the river both above and below.” Here is a formal disclaimer of any discovery made by Hennepin, and an announcement that the discovery had been made by another; and yet the author of the *Condensed History and Geography of the Western States*, represents Hennepin, I know not on what authority, as having reached the Gulf of Mexico on the 25th of March, 1680, a period when, according to his own account of himself, he was struggling in a frail canoe, against the ice and the currents above the mouth of Missouri. One is tempted to repeat the reflection of Voltaire, “c’est ainsi que l’on écrit l’histoire.”

Father Hennepin did not certainly much overrate the great natural fertility and resources of Louisiana. But it is not a little remarkable, slow and lingering were the first attempts to colonize it, although made under the immediate auspices of the crown of France. The most superficial reader of history cannot have failed to remark the different spirit which characterises the colonization of this continent by Spain, France and England. The Spaniard came for conquest and for gold; regarding the aborigines as enemies to God; no alternative was left them but the cross, or the edge of the sword: even submission did not save them from the most abject and oppressive servitude. France, on the contrary, cultivated the good will of the natives, and was in general, eminently successful in gaining their friendship, so far at least as relates to Louisiana; commerce with them, in the natural productions of the country, seems to have been their primary object. Trade, in fact, was the basis of her colonial policy; trade, too, not open to all her subjects, but in the hands of monopolists by grants from the crown, and maintained in the enjoyment of it by

naval and military power. The first establishment of the French were rather trading houses than colonies. The English colonies on the contrary, were for the most part the offspring of individual enterprise. The basis of their system was agriculture combined with commerce; they brought with them their household gods; they sought a permanent abiding place, for themselves and their posterity; many of them, far from enjoying the patronage and protection of the crown, fled from persecution and intolerance. They came, and as soon as private interest began to operate freely, on a soil comparatively sterile, and in a rigorous climate, the country was converted into a garden. The English colonists brought with them the germ of popular self-government; at very early periods, they made laws for themselves, sometimes in assemblies purely democratic; generally through their representatives, laws suited to their conditions and their wants. In the colonies of France and Spain, on the contrary, except in matters of mere local police, all laws and regulations came over the ocean. Trade in its most minute ramifications, even domestic trade, was fettered with precise tariffs of prices and profits, instead of being left open to free competition. According to a regulation established by the Western Company, 1721, the price of a slave sold to the colonists by the proprietary company, was fixed at six hundred livres, on a credit of one, two and three years; tobacco, in leaf or twist, was bought at their warehouses at the rate of twenty-five livres per hundred; rice, at twelve livres the quintal; peltries and furs had their fixed prices. French goods were sold at Biloxi, Mobile and New-Orleans, at five per cent. advance on the invoice price in France; at Natchez and Yazoo at seventy per cent. profit; at Natchitoches and Arkansas, at eighty per cent. and at one hundred per cent. in Illinois. The price of wine was one hundred and twenty livres the *barrique*.

There sprung out of this spirit of petty traffic, a class of characters altogether unique and unknown elsewhere, called "*coureurs des bois*," half pedlers and half hunters, with a little finish of the broker. It was through their agency that goods

imported from France, were pushed into the most remote settlements of the country and to the Indian villages, and exchanged for the productions of the country. When I first came to this country, I knew some old decrepid men of that class; crippled, frost-bitten, and yet at an extreme old age retaining a singular predilection for that wandering, half savage life, and still dressed in skins, with leggins and moccasins.

Appended to the regulations of the Western Company, to which I have alluded, was a strong recommendation, which I mention, to show how singularly it has been neglected up to the present day. The company earnestly recommend to the colonists, to cultivate silk, to plant out mulberry trees, and offers as high a price for raw silk, as it now bears in the best market. They were sensible that perhaps no country on earth was better suited to that branch of industry; that the mulberry is indigenuous in every part of the province and grows with great luxuriance, and is among the first trees to put forth its foliage in the spring. This recommendation seems to have been totally neglected, until more lucrative staples were introduced, which now engross the whole industry and capital of the country. But the time may yet come, when the raising of silk, a beautiful branch of industry, which in fact would not interfere with more heavy crops, will become extensive, as it could not fail to become lucrative in this country.

The first colonists made two or three successive selections of a capital for their new colony, that were injudicious in the extreme; Dauphine island and the two Biloxis, all sandy barrens. More than twenty years after the establishment, they depended almost exclusively on France, Vera Cruz and the Havana, for a supply of provisions, and in the vicinity of the richest soil in the world, the people were threatened with famine. It was not until those places were finally abandoned, after the surrender of his charter by Crozat, and a change of system under the administration of the Western Company, that the great resources of the country began to develop themselves; numerous grants of land were then made, and agriculture began to take a

start. On this part of our early history, little need be said at this time; but I should be wanting to myself, as well as the occasion, if I failed to make honorable mention of the production of our best historian, whose labors have thrown important light upon every part of our history, without omitting many minute and interesting details on this part in particular. Historical literature is deeply indebted to my learned and distinguished friend and colleague, Judge Martin. His work, while it evinces great labor and research, proves at the same time how scattered and fugitive are the materials employed by him in its composition, and how difficult, if not impossible, it would be for a reader to satisfy his curiosity by resorting to the original sources of information from which the author drew. He appears to have had access to manuscripts which have never been published, but which it is not, perhaps, too late to arrest from oblivion.

It must be confessed, that at the breaking out of the war of 1756, France possessed on this continent the basis of a splendid empire. Her possessions, embraced on the South the mouth of the Mississippi, and on the North, that of the St. Lawrence, stretching through the heart of the continent, and covering the great central valley of the Mississippi and the Northern Lakes. Louisiana, though by far the most important and interesting portion of her domain, had made but little progress, and was regarded as an appendage to Canada. That war, it is well known, was disastrous to the arms of France, and at the pacification in 1762, she was stripped of all her possessions in North America, except that part of the ancient province of Louisiana West of the Mississippi, together with the island of Orleans. Simultaneously with the treaty of peace, France ceded to Spain the remnant of her possessions on this continent. With this treaty commenced a new era for Louisiana. Its ancient forms of administration, and its entire system of laws were changed. This transition was attended by afflicting events to the ancient population of the province, attached as they were to the land of their origin. Such was the delay attending the delivery of the province to Spain, that the people began to entertain a hope, that

the transfer itself was a mere simulation, for the purpose of securing Louisiana to the crown of France, against the hazard of future wars. It was not until 1766, that Don Antonio de Ulloa was sent over to receive possession, in pursuance of previous instructions given by the king of France to D'Abbadie. There hangs over the conduct of Don Antonio, an extraordinary mystery; although he remained two years in the province at the head of a military force, he appears never to have taken formal possession of the country, and was finally compelled to withdraw, on his refusal to furnish the council his powers and instructions from the king of Spain. I am not aware that his report to his government has ever been made public. We are, however, fully warranted in believing, that such a report was made, and that it formed the motive or the pretext, for the sanguinary orders subsequently given to his successor, and led to the fatal catastrophe which ensued. If such a document exists, as we have every reason to suppose, a copy might be procured from Spain, and would throw great light on an obscure and interesting crisis in our annals. The bloody tragedy which followed on the arrival of Don Alexandro O'Reilly the next year, the total abolition of the council, and the introduction of the laws of Spain, as over a conquered people, are well known. Until recently, however, the extent of O'Reilly's powers was a matter of conjecture; and although the courts have uniformly considered the whole body of the Spanish law as in force from the date of his proclamation and the French jurisprudence as abrogated, yet they were compelled in a great measure, to judge of the extent of his authority by his official acts. Within a couple of years, documents have come to light, through the agency of our late Minister at Madrid, which go to prove, not only his original powers, but the approbation of the court of Spain of all his proceedings. Among other documents thus procured, is a copy of a royal order of the 28th of January, 1771, in which the king declares that he had in 1765 appointed Don Antonio de Ulloa, to proceed to the province of Louisiana and to take possession as governor, making, however, no innovation in its system of government, which was to

be entirely independent of the laws and usages observed in his American dominions, but considering it as a distinct colony, having even no commerce with his said dominions, and to remain under the control of its own administration, council and other tribunals. But he goes on to say, the inhabitants having rebelled in Oct. 1768, he had commissioned Don Alexandro O'Reilly, to proceed thither and take formal possession, chastise the ringleaders, and to annex that province to the rest of his dominions. That his orders had been obeyed, the council abolished, and a cabildo established in its place, and the Spanish laws adopted. He proceeds to ratify and confirm all that had been done, and directs that Louisiana shall be united, as to its spiritual concerns, to the Bishopric of the Havana, and governed conformably to the laws of the Indies. It was made a dependency of the Captain-generalship and royal Hacienda of the island of Cuba, and as relates to the administration of justice, a special tribunal was created, consisting of the Captain-general as president, the auditors of war and marine, the attorney of the Hacienda, and the notary of the government. To this tribunal appeals were to go, and from it to the council at Seville, without resorting to the audiencia of St. Domingo.

O'Reilly appears to have made a detailed report of his proceedings, consisting of six distinct statements. These statements have never, probably, been made public *in extenso*, but another document, procured at the same time at Madrid, contains a minute analysis of them. I allude to a report made to the king by the Council and Chamber of the Indies, to whom the whole matters had been referred. It is filled with the most extravagant encomiums upon O'Reilly. The profoundness of his comprehension, the sublimity of his spirit, the correctness of his judgment, the admirable energy displayed in his provisions for the civil, economical and political government, his delicate knowledge and acute discernment of the laws of both kingdoms, as well as of the practical and forensic styles of the courts,—all these are set forth in the most pompous and sonorous phraseology of choice Castilian. By way of finish to this picture, and in the spirit of the most sublime bathos, the council adds, “that by the admirable arrangement of pay and distribution which he has

proposed in the military and political classes, the treasury has gained (how much do you suppose, gentlemen?) one hundred and thirty dollars! which advantage is due to the comprehensive and indefatigable genius of the commissioner!" Miserable, cold-blooded, heartless calculators! at that very moment O'Reilly was the object of the just execration of the whole population of Louisiana. They had seen some of their best citizens, the elite of the country, immured in the dungeons of the Moro Castle, others shot down without mercy, without necessity, without a crime, unless it was a crime to love the land of their birth, the land in whose bosom repose the bones of their ancestors,—all entrapped at a moment of profound security and submission, under circumstances of the most infamous treachery and duplicity, and mocked with the forms of a trial, under a statute written in a foreign language, and never promulgated in the province. Does no one yet survive, in this whole generation—no one yet lingering on the stage—who was an eye witness of those transactions, from whom we could hope to obtain a vivid picture of the grief, consternation and despair which smote the heart of the country, while the place d'armes of New-Orleans, was reeking with its best blood, that we might hold it up to the most remote posterity, as a comment on the specious bombast of the Council of Seville?

The commercial regulations proposed by O'Reilly, and which form the subject of his first statement, were undoubtedly liberal and calculated to advance the prosperity of the province. They contemplated a wide departure from the rigorous monopoly with which the commerce of the Spanish colonies had been shackled: a free trade between Havana and Spain, the productions of Louisiana to pay no duties when imported into that port, and no duty to be levied on exports from Havana to Louisiana; the admission of all Louisiana vessels into all the ports of Spain as well as the Havana, provided that none but Spanish or Louisiana bottoms should be employed in that trade. This system met the entire approbation of the council, except that the exemption from the payment of duties should be considered only as temporary.

The second statement relates to the propriety of subjecting Louisiana to the same system of laws which prevailed in the other Spanish colonies, of carrying on legal proceedings in Spanish, the establishment of the New Appellate Tribunal, of which I have already spoken, with a direct appeal from it to the council. These arrangements were sanctioned by the council with this proviso: that the Intendents of Hacienda and Marine should have a voice and vote in the proposed tribunal.

The third and fourth statements relate to the organization of the Cabildo, and the appointment of Don Luis de Unzaga as civil and military governor of the province.

The fifth details the new ecclesiastical and economical arrangements.

The sixth and last statement of O'Reilly, informs the king that he had appointed a lieutenant governor for the district of Illinois and Natchitoches, encloses copies of his instructions, and proposes that the governor alone should have the power to grant lands, and that concessions should be made according to certain regulations which he had adopted on the advice of well informed persons. This is the well known ordinance of 1770, of which I may have occasion to speak hereafter.

It cannot be denied, that in many respects the new government was liberal and even paternal. Lands were distributed gratuitously to meet the wants of an increasing population, and direct taxation was unknown in the province. If the ratio of increase of the population be an index of its prosperity, Louisiana was certainly flourishing and prosperous. In sixteen years from the year 1769, the population was more than doubled by the ordinary means, independently of small colonies from Malaga and the Canary Islands. In 1711 it amounted only to four hundred, including twenty slaves. During thirty-four years of Spanish domination in this country, its resources were considerably developed, and Louisiana has been regarded, perhaps with justice, as the favored pet of Spain.

Gentlemen, it does not enter into my plan to go into any historical details relating to the different periods of our history ;

but my object is simply to call your attention to them, as worthy of minute investigation in the progress of our researches. Much interesting matter might yet be brought to light, illustrative of the characters of many distinguished persons who figured, and some of whom suffered, in the crisis I have already alluded to. What has become of the memorials and correspondence of Miblet, who was despatched by the Louisianians to France, to entreat the king not to compel his loyal subjects to pass under the yoke of Spain? Who, that has read our earlier history, does not desire a more intimate acquaintance with the spirit of the times, and with the enterprising men who laid the foundation of the colony, and to investigate more minutely its gradual development.

II. I proceed to make a few remarks upon the second head of our proposed inquiries, to wit: the progress of our jurisprudence. The most important part of the history of a state, is that of its legislation. Upon that depends its prosperity and the character and pursuits of the people. It is not a little remarkable, that although successively an appendage of the monarchies of France and Spain, Louisiana never knew any thing like a right of primogeniture and a privileged class. No part of feudality was ever known here, neither inequality in the distribution of estates, nor fiefs, nor signories, nor mayorazgos. The grants of land were all allodial, and under no other condition than that of cultivation and improvement within limited periods; in fact, essentially in fee simple. The colonists brought with them, as the basis of their municipal law, the custom of Paris. By the charter in favor of Crosat, the laws, edicts and ordinances of the realm and the custom of Paris, are expressly extended to Louisiana. To this custom, which we all know was a body of written law, may be traced the origin of many of the peculiar institutions which still distinguish our jurisprudence from that of all the other States of the Union. I allude especially to the matrimonial community of gains, the rigid restrictions on the disinheritance of children, and the reserved portion in favor of forced heirs, the severe restraints upon widows and widowers, in relation to donations in favor of second husbands or wives, by the *Edit des Secondes Noces*;

the inalienability of dower, and the strict guards by which the paraphernal rights of the wife are secured against the extravagance of spendthrift husbands. The community of acquets and gains between husband and wife, is altogether a creature of customary law, unknown to the jurisprudence of Rome, and even in those provinces of France formerly governed by the written law. It is said to be of German or Saxon origin, and during the régime of the two first races of the kings of France, the share of the wife was one-third, instead of one-half of the property acquired during marriage, as regulated by the existing code. The introduction of the Spanish law in 1769, produced but slight changes on most of these points. The general rules of descent, as regulated by the law of Spain, did not vary materially from those of the custom of Paris; a perfect equality among heirs, was the essential characteristic of both codes. The points of discrepancy will form a curious subject of investigation to any one desirous of pursuing the inquiry. The existing code of this State has maintained to a certain extent those peculiarities, and they have become deeply rooted in the public mind.

O'Reilly, when he introduced by proclamation the whole body of the Spanish law, published a Manual of Practice. How far the practice was changed in substance, by that regulation, from what existed before, I am not prepared to say. It is to be presumed, from the character of those who had been previously engaged in the administration of the laws, that the practice was very simple, and perhaps, rude, and the records of judicial proceedings at these early periods, are extremely meagre. The order of the Commandant, after hearing the stories of both parties, was the decree to which all submitted.

Until the cession of the country to the United States, the writ of habeas corpus and the trial by Jury, were of course unknown here. Of the first, it is sufficient to say, that without it there can be no genuine personal security. Whatever we may think of the trial by jury, as a test of right or law, as a tribunal to decide upon the disputed rights of the citizens in civil cases, there is one point of view in which it may be regarded as above all

price, namely, as the means by which the citizens become insensibly instructed in the great leading principles of the laws, and the foundation and extent of their rights. It is the best school of the citizen. The people assemble at stated periods to attend the sessions of the courts; the discussions are public; the neighbors of the parties are called on to act as jurors; they hear the laws commented on by counsel; they receive the instructions of the court, and retire to deliberate on their verdict. Each juror feels the responsibility under which he acts. Thus, the citizens in rotation, are called on to perform highly important functions in the administration of the laws, and after serving a few terms, cannot fail to become pretty well acquainted with the great leading principles of the laws of their country, and more vigilant in maintaining their own rights. My own opinion is, that the trial by jury in the interior of this state, has done more to enlighten the people, than all the means of education which have been provided by the munificence of the legislature. Many men who can neither read nor write, are yet capable of deciding as jurymen, a question of disputed right between two of their fellow citizens, with admirable discrimination. I think I can perceive in this respect, a singular improvement in the general intelligence of the people since I came to reside here, twenty-two years ago, especially among that class of our population to whom the trial by jury and the publicity of judicial proceedings, were novelties. A friend of mine used to relate an anecdote, which illustrates this position. Two honest creoles were disputing about a point of law, said one of them, "How, do you think I don't know, Sir? I am a justice of the peace!" "And I," said the other, "I ought to know something about it, I have been twice foreman of the grand jury."

If I were to dwell longer upon the subject of our jurisprudence, this address would swell into a dissertation. Permit me to recommend this subject to your attention, and particularly an inquiry into the practical operation of the laws above referred to, which regulate the great relations of social and domestic life. Whether an equal participation of the wife in the property

acquired during marriage ; a right growing originally out of the presumed collaboration of the parties in a rude primitive state of society, ought still to exist in the present age of refinement and extravagance. Whether such a system be not productive of more frauds and injustice to creditors, and disruption of families and litigation, than of public good and domestic tranquility, are questions more proper for discussion in the halls of legislation, than here ; they belong rather to the legislator than the historian.

III. I should hardly be pardoned, if I dwelt long on the next subject embraced in our plan, the state of religion. I will confine myself to a single remark. Fortunately Louisiana was ceded to Spain after the Inquisition had, even in that country of bigotry, been disarmed of most of its terrors, and although in this country the Catholic religion was the only one openly tolerated, yet an attempt to introduce that most infamous of all human institutions, was indignantly put down by the people and the local authorities.

IV. The condition of the Indian tribes comes next. The Indians ! the Indians ! whether subjects of history or heroes of romance, or mixed up in the miserable ephemeral dramatic trash of the day, always exaggerated, disfigured, caricatured. They have been represented by some as brave, high-minded and capable of sustaining extraordinary privations ; sometimes as cold, stern, taciturn ; sometimes as gay, lively, frolicsome, full of badinage, and excessively given to gambling ; sometimes as cruel, and even man-eaters, delighting in the infliction of the most horrible tortures. Some will tell you that they have no religious notions, no conception of a great first cause ; others, that they have a simple natural religion ; or as the poet has it :

“ His untutored mind,
Sees God in clouds, and hears him in the wind ;
His soul, proud science never taught to stray,
Far as the solar walk or milky way.
Yet simple Nature to his hope has given,
Behind the cloud topped hill, an humbler heaven

Some safer world, in depth of woods embraced,
 Some happier Island in the watery waste.
 To be content, his natural desire,
 He asks no angel's wings, no seraph's fire,
 But thinks, admitted to that equal sky,
 His faithful dog shall bear him company."

Some of the earlier historians represent the Natchez as worshippers of the sun, or worshippers of fire ; as having a temple dedicated to the sun, keeping up a perpetual, a vestal fire. They conclude, of course, that those Indians must have been allied at least to the Peruvians or Mexicans, if not descended from the fire worshippers of the East. The truth probably was, that in some miserable cabin or wigwam, a few chunks were kept burning, as is the case in every Indian encampment, and indeed, in every well regulated kitchen. The fact is, that neither the pen of Cooper, nor the more eloquent and fascinating style of Chateaubriand, can inspire the slightest interest for their Indian heroes and heroines, in the mind of a man who has been much among the aborigines, and knows something of their real character and habits. With respect to those nations which yet exist, we are able to see for ourselves, and correct the false impressions which earlier writers may have produced. It is melancholy to look over the list of tribes, which were once scattered over the surface of lower Louisiana at early periods of the colony. How many of them are totally extinct! How many dwindled down to a mere shadow, and their feeble remnant confounded with some neighboring tribe! The Attakapas, the Carancuas, the Opelousas, the Adayes, the Natchitoches, the Natchez, where are they, and what monuments have they left us, by which any trace of their origin or their history may be known? Of the Natchitoches, only a single individual exists, and he has been adopted by the Cados. Who knows any thing of the language of those nations? Their language, certainly among the most curious of the remnants of erratic tribes, and by which an acute philology might perhaps trace some affinities with other existing people, is known

only to a few; and they are not of that class from whom the republic of letters might expect some account of it. The powerful tribe of the Natchez is totally extinct; its last miserable remnant took refuge among the Chickasaws. There remain a few degenerate (if such beings can degenerate) descendants of the Tunicas, Chitemachas, Pacagoulas, Apalaches and Beloxis.

Neither the French nor the Spanish governments recognised, in the Indians, any primitive title to the land over which they hunted, nor even to the spot on which their permanent dwellings were fixed. They were often grantees of lands for very limited extents, not exceeding a league square, covering their village. They were sometimes permitted to sell out their ancient possessions, and had a new locality assigned them. Many titles of that kind exist at the present time, and have been subjects of judicial decision. But the policy of extinguishing the primitive Indian title, as it is called, by purchase, which prevailed universally among the English colonists, appears to have been wholly unknown to the French and Spaniards in Louisiana. The massacre of the French at Natchez, which led to the extermination of that tribe, was provoked by the atrocious attempt, by the commandant, to destroy their village at St. Catherines, in order to annex the land to his own plantation.

There are many indications here, as well as in upper Louisiana and Ohio, of a race of men, long since extinct, who had probably made considerable advances in some of the useful arts, and perhaps the art of defence. In Sicily Island, in the parish of Catahoula, there is a curious circle of mounds, regularly disposed, embracing a large area of alluvial soil, but little elevated above high water mark. I believe the dwelling house of the present proprietor, Mr. Matthews, is built upon one of them. There are others equally curious on Black River; and near the village of Harrisonburg may yet be traced an extensive elevation of earth, strongly resembling breast works. The enemy against which these works were thrown up, was probably the Mississippi, whose waters once flooded the whole of that

region at certain stages. The study of Indian mounds has heretofore led to no important discovery upon which much reliance can be placed. It is worse than idle to indulge in conjectures upon the origin of these monuments. A few skulls, picked up here and there, may indicate, perhaps, to the professed phrenologist, the former existence of a race more civilized than the present Indians, more capable of combination, having the organ of constructiveness more amply developed; but no general conclusions can be safely drawn from indications so feeble and equivocal. It would be, in my opinion, equally philosophical to conclude with the poet:

“The earth has bubbles as the ocean has,
And these are of them.”

That there are, among the existing race of aborigines, instances of extraordinary capacity and power of combination, a few individuals, infinitely superior to the common herd, is undoubted. What was the boasted Cadmus of antiquity, who introduced into Greece a few letters of Egyptian or Phœnician origin, when compared with that poor, crippled Cherokee of our own day, who, by the unaided efforts of mind, by the simple power of induction, invented, perhaps, the most perfect alphabet of any existing language?

Gentlemen: in these hasty and imperfect glances over the wide field of our proposed inquiries, I have purposely omitted to touch upon the last, or rather the present, era of our history, commencing with the annexation of Louisiana to the Federal Union, by far the most brilliant and important, and marked by great and interesting events. In relation to Louisiana, this may be properly designated as the epoch of constitutional, popular self government and of steam, as applied to navigation. The documents which illustrate this part of our history are within our reach, and ought to be collected and preserved. Forty years ago, what was New-Orleans—what was Louisiana? The mighty river which sweeps by us then rolled silently through an extended

wilderness, receiving the tribute of its vassal streams from the base of the Rocky Mountains on one side, and the Apalachean chain on the other ; its broad and smooth surface, occasionally ruffled by the dip of an Indian's paddle, or a solitary barge, slowly creeping up stream to the feeble settlements in the interior. What are they now ? This city has become the greatest mart of agricultural products on the face of the globe ; and yonder river traverses a double range of states, peopled by freemen, who, by the miracles of steam, are brought almost in contact with the great market for the productions of their industry. That river is literally covered with floating palaces, which visit its most remote branches ; and along the extended levee fronting our port, a dense forest of masts exhibits the flags of every commercial nation in the world. At her annexation to the Union, the destiny of Louisiana became fixed—admitted at once to a participation in the great renown of the republic, connected with it by bonds of a common interest, she sprung forward, as it were by a single leap, from colonial dependance, to the glorious prerogatives of freemen, and to the enjoyment of the most luxuriant prosperity.

Gentlemen, let us endeavor to make a wise use of this prosperity, and do something for the cause of letters. Colleges are springing up under the generous patronage of the Legislature, which promise soon to be amply sufficient for the education of the rising generation. The Medical College of this city, the offspring of private enterprise and sustained by the devotion of a few medical gentlemen to the cause of science, deserves public encouragement, and I trust will receive it. The Lyceum of this city promises to unite utility with all that is agreeable in the public discussion of interesting topics. Let us turn aside, occasionally at least, from the worship of mammon, devote some of our leisure moments, stolen from mere sordid and engrossing pursuits, to the cultivation of liberal studies. Who does not sigh, sometimes, amidst the bustle and struggle of active life, to retreat upon the studies of his youth ? To fly to his early friends ; friends who never deceive him and never weary ; to the

society of the philosophers, poets, historians of past times, and to bask in the mild radiance of those great luminaries of the intellectual world ; to renew again those studies—which, if you will allow me to paraphrase the splendid eulogium of the great master of Roman eloquence—studies which form the generous aliment of youthful mind ; the hoped for delight of declining years ; the best ornament of prosperity ; in adversity our surest consolation and refuge ; inexhaustible source of the purest pleasure, whether at home or abroad, whether engaged in the bustle of the city, or enjoying the sober tranquility of rural life.





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